

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

The Hall China Company  
1 Anna Street  
East Liverpool, OH 43920

**ATTENTION:**

Paul Kolkowski  
Engineer

**Request to Provide Information Pursuant to the Clean Air Act**

The U.S. Environmental Protection Agency is requiring The Hall China Company (Hall China or you) to submit certain information about the facility at 1 Anna Street in East Liverpool, Ohio. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within thirty (30) calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Hall China owns and operates emission sources at its ceramics manufacturing facility in East Liverpool, Ohio. We are requesting this information to determine whether your emission sources are complying with your facility's Permit-to-Install and Operate and the National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources (40 C.F.R. Part 63, Subpart RRRRRR).

Hall China must send all required information to:

Attn: Compliance Tracker, AE-17J  
Air Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency  
Region 5  
77 W. Jackson Boulevard  
Chicago, Illinois 60604

Hall China must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

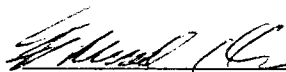
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Hall China to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Shilpa Patel at 312-886-0120.

8/12/16  
Date

  
\_\_\_\_\_  
Edward Nam  
Acting Director  
Air and Radiation Division

## **Appendix A**

When providing the information requested in Appendix B, use the following instructions and definitions.

### **Instructions**

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

### **Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

#### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

## Appendix B

### Information You Are Required to Submit to EPA

Hall China must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a) within thirty (30) calendar days after you receive this request. All requests are for the time period spanning five years prior to the date of this information request.

1. Identify each glaze color used at the facility, provide the stain/pigment formulations that were used to develop each glaze color, identify which stain/pigments contain chromium and manganese and in what amounts, identify how each stain/pigment and glaze is stored, and provide wet glaze usage records on an annual basis.
2. For each glaze identified in response to Question 1, and for any other surface applications used at the facility, identify those that contain less than 0.1 (weight) percent clay ceramics metal hazardous air pollutants (HAPs).
3. For each atomized glaze spray booth at the facility, provide calculations that document the amount (in megagrams/year) of wet glaze(s) that you use in that booth.
4. Provide a list of the emission sources at the facility that emit manganese, and identify all materials (including but not limited to each glaze) used in each emission source.
  - a. For all point sources (stacks) at the facility, provide the following:
    - i. Stack height;
    - ii. Stack inside diameter;
    - iii. Stack effluent temperature;
    - iv. Stack exit velocity (indicate if stack is obstructed [e.g., rain cap] or has a horizontal or downward release); and
    - v. Geographic coordinates (Universal Transverse Mercator [UTM] coordinates or latitude and longitude), and specify the datum used (e.g., NAD83, NAD27, WGS84, etc.).
  - b. For all nonpoint (fugitive) sources at the facility, provide the following:
    - i. Dimensions: length, width, and height (specify units);
    - ii. A physical and process description of the source;
    - iii. A photograph of the source; and

- iv. Geographic coordinates (UTM coordinates or latitude and longitude) of each corner of a non-point (fugitive) source, and specify the datum used (e.g., NAD83, NAD27, WGS84, etc.).
- 5. Provide emission calculations for manganese and chromium, including the rates at they are emitted, from each point (stack) and non-point (fugitive) source at the facility, in pounds per hour and tons (or pounds) per year.
- 6. Provide a description of methods used to determine the amount and type of emissions, including emission factors used.
  - a. Specify if emissions are vapor or particulates;
  - b. If emissions are particulates, provide information on particulate size distribution, including particle diameter, mass fraction, and particle density;
  - c. Specify hours of operation; and
  - d. Specify the frequency with which emissions rates are determined (continuously, monthly, etc.).
- 7. Provide information about the facility property, including:
  - a. A plot plan/diagram of the facility (with scale);
  - b. Geographic coordinates (UTM coordinates or latitude and longitude) of each building corner and coordinates of all corners of each tier of any multi-leveled (tiered) building, and specify the datum used (e.g., NAD83, NAD27, WGS84, etc.);
  - c. Building dimensions for all buildings and located on the facility property: length, width, and height (specify units), as well as the dimensions for each tier of any multi-leveled (tiered) buildings;
  - d. Property boundary coordinates (UTM coordinates or latitude and longitude); and
  - e. Any fencing or other barriers of the facility used to keep public away from the facility and the locations of nearby residents.
- 8. If air emissions modeling has previously been conducted for the facility, the following information should be included in addition to the information requested in Questions 1-4:
  - a. Input and output files for all modeling software (including pre- and post-processors), and include software version number;

- b. Meteorological data used, including years and station location for all surface data (1-minute and hourly, if applicable) and upper air data; and
  - c. Modeling report or text file describing the modeling methodology and input data.
9. Submit the following records, in accordance with 40 C.F.R. § 63.11440(d):
- a. For each kiln at the facility, submit the daily peak firing temperature. Indicate when the peak temperature exceeded 1,540 °C (2,800 °F).
  - b. For each glaze spray booth at the facility equipped with a wet control system, provide records demonstrating that the following has been performed:
    - i. Daily inspections to verify the presence of water flow to the wet control system;
    - ii. Weekly visual inspections of the system ductwork and control equipment for leaks; and
    - iii. Annual inspections of the interior of the wet control system to determine the structural integrity and condition of the control equipment.
  - c. For each glaze spray booth at the facility equipped with a baghouse dust collector, provide records demonstrating that the following has been performed:
    - i. Weekly visual inspections of the system ductwork for leaks;
    - ii. Annual inspections of the interior of the baghouse for structural integrity and to determine the condition of the fabric filter;
    - iii. Visual emissions tests; and
    - iv. A description and results of any alternative monitoring.
  - d. Explain the corrective actions taken as required by 40 C.F.R. § 63.11440 when results of kiln peak temperature checks, visual inspections, visible emission tests, or alternative monitoring indicated an exceedance.
10. Describe the waste minimization practices employed at each glaze spray booth.
11. Other than those already identified in response to the previous questions, identify all manganese-containing materials or compounds used at the facility, describe how each material/compound is used, identify how each material/compound is stored, and provide dates of usage, amounts used, and emission calculations in pounds per hour and tons (or pounds) per year.



12. Identify any malfunctions or upsets that occurred that may have increased manganese emissions at the facility.
13. Provide copies of all emission tests performed on any process at the facility.
14. During EPA's June 13, 2016 inspection of Hall China, Mr. Paul Kolkowski of Hall China discussed with EPA a subpoena concerning, in part, manganese emissions that was issued to Hall China or its parent company. Provide a copy of that subpoena and each response submitted by Hall China or its parent company.

## **Appendix C**

### **Confidential Business and Personal Privacy Information**

#### **Assertion Requirements**

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

## **Determining Whether the Information Is Entitled to Confidential Treatment**

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

### **Personal Privacy Information**

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the  
Clean Air Act by Certified Mail, Return Receipt Requested, to:

Paul Kolkowski  
The Hall China Company  
1 Anna Street  
East Liverpool, OH 43920

I also certify that I sent a copy of the Request to Provide Information Pursuant to the  
Clean Air Act by e-mail to:

Bob Hodanbosi  
Ohio Environmental Protection Agency  
Chief, Division of Air Pollution Control  
bob.hodanbosi@epa.ohio.gov

and

Ed Fasko  
Ohio Environmental Protection Agency  
Unit Manager, Air Division, Northeast District Office  
ed.fasko@epa.ohio.gov

On the 15<sup>th</sup> day of August 2016.

Kathy Jones  
829 Loretta Shaffer, Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7646 9579